

MILLSTONE TOWNSHIP
OPEN SPACE & FARMLAND PRESERVATION COUNCIL
Meeting Minutes for Thursday, July 23, 2015
215 Millstone Road, Millstone Twp, NJ 08535

Ms. Siedman called the meeting to order at 7:31 pm.

The Secretary read the Adequate Notice.

Roll Call

Present: (8) Bailey, Butch, Denardo, Kozak, Kuczinski, Morelli, Schloss, Siedman

Absent: (3) Asprocolas, Marra, Romano

Public Comment Session: Opened and closed at 7:33 pm.

Approval of Minutes

A Motion to approve the April 23, 2015, minutes was made by Ms. Siedman with a Second offered by Mr. Denardo. No discussion. Roll call vote:

AYES: (6) Siedman, Denardo, Bailey, Kozak, Kuczinski, Morelli

NAYS: (0)

ABSTAIN: (0)

A Motion to approve the May 28, 2015, minutes was made by Mr. Denardo with a Second offered by Ms. Siedman. No discussion. Roll call vote:

AYES: (5) Denardo, Siedman, Kozak, Morelli, Schloss

NAYS: (0)

ABSTAIN: (1) Kuczinski

Correspondence

- Letter from Governor Christie dated 6/24/15 re: Planning Incentive Grant - Project Evergreen. The Green Acres matching grant of \$550,000 has been approved by the DEP and the Garden State Preservation Trust and funding is contingent on the passage of legislative appropriation. This funding is not associated with a specific acquisition and will be applied to past acquisitions included on the Supplemental Funding Request that was submitted to Green Acres last year.
- Letter from Paul Gleitz of the Monmouth County Park System dated 7/1/15 re: Grant Agreement for Millstone Park Phase 1 Improvements. The grant agreement for the \$250,000 matching grant for park development has been fully executed and the Township has until June 19, 2017 to complete the project.

Old Business

- ***Municipal Farmland Preservation Process Document Update:*** The process document needs to be updated to include the Agricultural Advisory Council's responsibilities. Hardcopies of the 2011 Preservation Process Document, the New Jersey Administrative Code for Municipal Planning Incentive Grants, the SADC Guidance Document for Farmland Preservation and the SADC Easement Purchase Application were distributed to Council members. Due to the amount of documentation, Ms. Siedman asked Council members to take the handouts home to read and review and to be prepared for a discussion at the next Open Space meeting. Ms. Siedman asked Ms. Butch if she had any comments; Ms Butch explained that she did not have any comments at this time and will bring back comments from the Ag Council. The Ag Council doesn't usually meet in August and Ms. Butch will provide comments at the September Open Space meeting which falls after the Ag Council's September

meeting. Council members agreed to review the documentation and to be prepared for an in depth discussion at the September meeting.

- **Monmouth County Municipal Open Space Grant #12-04, Baird Homestead Development Project:** Mr. Kuczinski explained that the project is progressing within budget and asked Ms. Butch about the barns and the tilled area at the site. Ms. Butch explained that corn had been planted for a corn maze but the crop had to be tilled under due to deer damage. The barn framework has been erected but there is still a lot of work to be done.
- **Monmouth County Municipal Open Space Grant Application - Millstone Park Phase 1 Development:** Mr. Denardo updated Council members on the progress of Phase 1 planning. The number of multipurpose fields has expanded from six to ten and the fields have been enlarged to accommodate tournaments. Mr. Denardo provided the updated Phase 1 plan and a sample picture of the concession and restroom building for Council members to review. Conduit will be laid for all six of the front fields but only three of the fields will be lit as part of the Phase 1 plan. Permit applications have been submitted to the DEP and Freehold Soil. Upon approval of the permits, the Township will begin grading and seeding the fields. The farmer who leases the farm fields has been notified and will vacate the property when the crop is harvested at the end of September. Council members discussed passive recreation opportunities at Millstone Park including boating, fishing and trails around the pond and fields. Committeeman Kuczinski provided background information on Millstone Park and the Township's current and future recreation needs.

Events

- **2015 Clambake Fundraiser:** Council members reviewed and discussed the financial reports. It was a great year with sponsorships higher than previous years. Council members discussed total vs. net income. Council members thanked Mr. Denardo for chairing the event. Mr. Denardo thanked everyone who helped with the clambake. The tentative date for next year's clambake is Sunday, June 5, 2016.
- **Millstone Day:** Council members discussed participation in this year's event. In the past, Ms. Butch had submitted one application for several groups including the Open Space and Ag Councils, the Trailblazers, the Historic and Shade Tree Commissions and the Friends group, to be arranged in a horseshoe formation to accommodate volunteers who serve on more than one of these groups. This year the Friends group will be selling food as a fundraiser and will be partnering with the Historic Commission and the Ag Council. If the Open Space Council would like to have an information table, the Council will need to submit a separate participation form. The Secretary will submit the application form for an information table.

Committee Reports

- **Finance:** The Open Space Trust activity report with information through June was distributed and reviewed by Council members. The balance in the account does not reflect the 2015 open space tax levy.
- **Public Relations/Publications:** There is no newsletter planned at this time.
- **Legislative Awareness:** No discussion due to Mr. Romano's absence.
- **Stewardship:** C/Kuczinski read a letter from the Township Administrator to Sheriff Golden thanking him for providing inmate labor assistance the week of June 15th to clear over three miles of open space trails. Trails cleared include the Orchards Trail on the south side of Perrineville Road and a portion of the White Birch Trail. C/Kuczinski explained that the Township will continue to utilize the Sheriff's Department inmate program to systematically clear trails throughout town.

- **Review Planning Board and Board of Adjustment Applications:** Mr. Bailey explained that there hasn't been much activity with either the Planning Board or Board of Adjustment. The July Planning Board meeting was cancelled due to no new or pending business. Mr. Bailey discussed two minor applications from the July BoA agenda.

Ms. Siedman asked if Council members had any other business to discuss in open session. Ms. Butch questioned why two items, trail maintenance and the Clarksburg ME Church, appear on the closed session agenda. Ms. Siedman explained that a discussion took place at the May meeting and Ms. Morelli requested to hold the discussion in closed session. Ms. Butch stated that the two items in question do not fall under any category that qualifies for a closed session discussion under the Open Public Meetings Act (OPMA) and requested to move the two items to open session for discussion. Council members entered into a lengthy discussion regarding open vs. closed session discussions. Ms. Schloss noted that the Clarksburg ME Church was listed on the closed session agenda throughout 2014 and has been carried forward; the Council has been following past protocol and was not attempting to deliberately withhold public information. Mr. Denardo noted that Ms. Butch was the one who placed the topics of the Clarksburg ME Church and trails on the closed session agenda. Ms. Morelli explained that while she requested to hold a discussion in closed session, Council members should have denied her request if it was inappropriate. C/Kuczinski explained that Council members in attendance at the May meeting were not aware that it was inappropriate to hold the discussion in closed session. Ms. Schloss noted that Council members, as a courtesy, agreed to move the discussion to closed session because Ms. Morelli referred to the discussion as a private matter. It wasn't possible prior to the actual discussion, to know if the topic fell under one of the categories listed for closed session discussion under the OPMA. Council members agreed to discuss trail maintenance and the Clarksburg ME Church in open session.

New Business

- **Trail Maintenance:** Ms. Siedman explained that at the May 28th Open Space meeting, Council members were discussing trail clearing and the lack of information the Open Space Council had regarding the status of trails. At that time, Ms. Morelli responded that C/Kuczinski had been provided with information on trails but neglected to pass the information on to the Open Space Council. C/Kuczinski stated that he was not in attendance at the May Open Space Council meeting and explained that he had not received trail information and asked Ms. Morelli to provide specifics regarding who provided the information and when the information was provided. Ms. Butch stated that Mark Blackwell, of the Trailblazers, had provided a written report to the Municipal Clerk approximately one and a half months ago and the Township Committee should have received the information prior to their June 3rd meeting. Ms. Schloss noted that the Open Space Council did not meet in June and the information the Trailblazers provided to the Township Committee occurred after the May 28th Open Space Council meeting had taken place. Ms. Butch acknowledged that the trail report was provided after the May 28th meeting and explained that the Trailblazers have an arrangement with the Township, that dates back to 2003, where the Trailblazers coordinate and respond to requests directly to the Township Committee. C/Kuczinski confirmed that he did receive a copy of a letter from Mr. Blackwell in June after the May 28th Open Space Council meeting and questioned why, after having trails listed on the Open Space Council meeting agendas for the entire time he has served on the Township Committee, has it now become an issue to discuss the status of Township trails at Open Space Council meetings. Ms. Butch responded that the reason the trails appeared as agenda items is because the Township had applied for grants and that

once the grant work is complete, the respective item should be removed from the agenda. Ms. Butch serves on various boards and councils at the county and state level as well as the municipal level and because of the positions she holds, she is privy to information which she shared with the Open Space Council out of convenience and noted that the information she provided was not a formal report. Ms. Butch stated that she no longer has time to provide trail information and the Council now needs to go back to the formal process that was in place and all requests for trail information need to be submitted to the Township Committee. C/Kuczinski asked Ms. Butch if it would be possible for the Trailblazers to provide a monthly report to the Township Committee; Ms. Butch replied that she is not the person who would be providing the information and that she did not think a monthly report would be necessary. C/Kuczinski asked if a trail status report could be provided every other month; Ms. Butch responded that there is not enough information to report every other month and that an annual or semi-annual report to the Township Committee should be sufficient.

At 8:37 pm there was a power outage and the recording system shut down. The generator started automatically but the recording system needed to be manually re-started. At 8:39 pm, the audio recording equipment was re-started and the Council resumed the discussion about Township trails.

C/Kuczinski asked Ms. Butch who the correct contact person is for the Trailblazers. Ms. Butch explained that Mark Blackwell is the president of the Trailblazers and he is the appropriate person to contact regarding trail information. Ms. Butch explained that the Friends group has the same arrangement with the Township Committee that the Trailblazers have and that Committeeman Masci is the liaison to the Friends group. Ms. Schloss clarified that while the Open Space Council was looking for updated information on projects that have been listed under Old Business on previous meeting agendas, the requests were not intended as demands for information. Ms. Butch responded that she interpreted the emails she received as demands for information. C/Kuczinski cautioned Council members not to make assumptions when reading emails and suggested picking up the phone if questions arise to avoid miscommunication. Ms. Siedman asked about the trail marking materials that have been purchased for the last trail grant award. The Secretary confirmed that all the trail marking supplies are stored at the municipal building with the exception of the large trail markers which are being stored at the Department of Public Works garage. Ms. Schloss asked if the trail supplies are for the Doctor's Creek Trail and if there is a timeframe to complete the trail work. Ms. Butch confirmed that these supplies are for the Doctor's Creek Trail, which encompasses the trail at Millstone Park. The trail work has not been done due to severe weather conditions over the past few years. An extension of time to complete the trail work has been requested but the Township has not received notification on whether or not the extension request has been granted.

- **Clarksburg ME Church:** C/Kuczinski provided an update on the church. The tarp has been removed and will be replaced by a professional installer. Bids for repair work have been declined due to changes to the specifications. The repair work will be re-bid to include ADA compliance and a new roof. C/Kuczinski explained that the engineering report estimated the cost of repair work to be \$609,000. Ms. Butch discussed details of the repair work as well as the State Historic Preservation Office requirements. An application is being prepared for a \$250,000 matching grant for the \$575,000 project. The \$575,000 project cost does not include soft costs such as engineering costs. Ms. Butch addressed parking at the church and explained that when night events have been held at the church, parking was handled in a very safe and responsible manner. Flashing lights were used on Stage Coach Road for people to cross the street and shuttle buses were used to bring people from the parking lots at the municipal building and community center to the church. Ms. Butch explained options for parking which

include the opportunity to purchase land across the street and adjacent to the church. Ms. Schloss asked if the building could be used as a library if land for a parking lot is acquired by the Township. Ms. Butch explained that the use of land is determined by the manner in which the property is funded and if Green Acres funding is utilized, the use will be restricted by Green Acres regulations. Council members entered into a discussion about the number of school age children in town and potential uses for the Elementary School if the school building is closed. Ms. Schloss explained that there was a comment made during the public comment portion of the July 1st Township Committee meeting, stating that the Township Committee was aware of the problem with the church roof five years ago. Ms. Schloss questioned why the church had been carried as an item on the executive session agenda with the meeting minutes stating that there was nothing new to report on the church if the repair work has been an issue for the past five years. Ms. Butch responded that the church is not an open space property and does not fall under the powers and duties of the Open Space and Farmland Preservation Council. Ms. Siedman asked why information from the presentation that was done at the August 20, 2014, Township Committee meeting by the Historic Commission, while Ms. Butch was Chair of the Open Space Council, was not communicated to the Open Space Council. Ms. Siedman explained that if funds from the Open Space Trust are being used for repairs to the church, it would be beneficial for the various groups to work together and the Open Space Council should be aware of the trust fund expenditures. C/Kuczinski stated that the use of open space tax dollars, including the funds expended for historic preservation, should be discussed at the Open Space Council meetings. Ms. Butch acknowledged this point and added that both the Historic and Recreation Commissions, in addition to the Open Space and Ag Councils, should be included on information regarding usage of the open space trust funds. C/Kuczinski stated that going forward, all information regarding the expenditure of open space funds will be shared with the Chairpersons of the Ag Council and Historic and Recreation Commissions, to be disseminated to all members of the respective groups.

- **Open Public Meetings Act (OPMA):** Ms. Butch discussed an email that was sent on July 15th by Ms. Siedman to members of the Open Space and Farmland Preservation Council and the Township Committee. Ms. Butch expressed concern that the email violated the OPMA and cautioned that all discussions of this type need to be done in an open public forum and need to be recorded. Ms. Butch mentioned that this situation occurred last year and this Council was told by Township Attorney Bob Munoz to stop group discussions via email. Council members and the Secretary stated that they were not aware of the email conversation Ms. Butch was referring to and they did not receive an email from Mr. Munoz instructing them to stop email discussions. Ms. Butch stated that she was certain the email from Mr. Munoz, which was sent during the July or August 2014 timeframe and referenced the clambake, went to this entire Council and offered to search her email files and forward the email in question to Council members. Ms. Butch brought attention to another email that was sent by Ms. Siedman that mentioned Ms. Siedman holding the position of Chair of the Open Space Council. Ms. Butch objected to the content of the email. Mr. Kuczinski explained that he has already discussed the content of the email with Ms. Siedman and they have an understanding regarding her role as Council Chair. Ms. Siedman explained that she has not received any instruction regarding the position of OSFP Council Chair and while there has been an opportunity over the past year, since Ms. Butch announced that this would be her final term on the Open Space Council, for a transition in leadership however, this is the first meeting in seven months that Ms. Butch has attended. Ms. Butch explained that the Council's roles and responsibilities are listed in the Ordinance that established the Council.

At 9:36 PM, the recording system shut down when power to the building was restored and the generator shut down. At 9:38 PM, the recording system was re-started and the meeting resumed.

Mr. Denardo asked for clarification regarding historic preservation and why, if the church falls outside of this Council's responsibilities, did this Council spend so much time discussing the preservation of the Thomas Baird Homestead. Ms. Butch explained that the Baird Homestead property was preserved as an open space acquisition which is part of this Council's responsibilities. C/Kuczinski pointed out that according to what Ms. Butch is stating, there are items that have been on the Council's agendas that clearly should never have been on the agendas and explained that Council members would like to know why the agenda items are an issue now, after eight years. C/Kuczinski explained that statements have been made that the Open Space Council has been overstepping its bounds and he emphasized that this Council has not been doing anything differently than it has been doing for the past eight years. Ms. Butch provided information regarding the Historic Commissions powers and duties for Council members to review and explained that the Open Space Council and the Historic Commission have different responsibilities. Mr. Denardo noted that protocol has been followed over the past eight years, under Ms. Butch's direction, and now that she is no longer the chairperson, agenda items that have been carried for several years have become an issue. Ms. Butch explained that because she is involved with various groups, she has shared information with this Council but now that she is no longer holds the position of Council Chair, she will no longer be providing information that falls outside the purview of the Open Space Council and she resents being expected to provide written reports. C/Kuczinski asked Ms. Butch what the Open Space Council needed to do to make the other groups feel less alienated. Ms. Butch suggested that the groups should start working more cooperatively and should support each other. Ms. Kozak asked Ms. Butch to clarify if the Thomas Baird Homestead project should be removed from future Open Space Council agendas and if the Council should cease discussing the Thomas Baird Homestead development project. Ms. Butch confirmed that the Open Space Council should no longer carry the Thomas Baird Homestead on its agendas and should not discuss the development project. Ms. Butch explained that the Open Space Council's assistance was sought to get the grant but the Open Space Council is not involved with administering the grant. The Secretary asked for clarification regarding why the Monmouth County Municipal Open Space grant for the historic church repairs is an acceptable agenda item for this Council but the Baird Homestead project, which is being funded in part by the same Monmouth County Municipal Open Space Grant Program, is considered by Ms. Butch to be outside of this Council's jurisdiction. C/Kuczinski explained that it is important to this Council to understand whether or not a project is successful in order to make appropriate decisions regarding future projects. Council members agreed that the Baird Homestead is an open space property and the Baird Homestead development project should remain on this Council's agendas. Ms. Butch stated that she never felt that the Open Space Council supported the Baird Homestead project. Ms. Siedman asked Ms. Butch why she stated that this Council didn't support the Baird Homestead project when only two Council members voted against it. Ms. Butch stated that there were three votes against the project. Mr. Denardo explained that Ms. Butch took the vote on support of the Baird Homestead acquisition via phone calls to individual Council members, in violation of the OPMA, and she told him that he was contacted last because she knew he wouldn't support the project and she didn't want other Council members to hear what Mr. Denardo had to say about the project. Mr. Denardo stated that the Township Committee was told that the Open Space Council supported

the Baird Homestead acquisition. Ms. Butch explained that the vote was taken back in 2010 and she couldn't remember if the vote was 5 to 3 or 4 to 3 in favor of the project, and that she was truthful when reporting the vote count and how the vote was taken to the Township Committee. Ms. Butch stated that she has not enjoyed working on this Council for a long time and she is stepping down at the end of her current term because of the way she has been treated over the past year and a half. Mr. Denardo explained that Ms. Butch lost his trust and support when she took the Baird Homestead project vote via phone. Ms. Butch admitted that the vote should have taken place at an Open Space Council meeting but she took the vote via phone call because there was a deadline for the grant application. Mr. Denardo explained that while Ms. Butch has violated the OPMA in the past, she has done a lot of research for tonight's meeting to point out how Ms. Siedman's email violated the OPMA. C/Kuczinski asked Ms. Butch what needed to be done in order to move forward. Ms. Butch suggested that, once a project is approved by the Township Committee, all groups should show support for that project. Ms. Siedman asked Ms. Butch to provide contact information for the Chairpersons of the Historic Commission, the Friends group and the Trailblazers. Ms. Butch agreed to provide the requested contact information and explained that all contact information for the Friends group is posted on their website. Council members discussed if the Baird Homestead project should remain on the agenda and agreed that this is an active open space project and it should remain on the Council's agenda. C/Kuczinski explained that he will be requesting updates occasionally on the Baird project and asked that Ms. Butch comply with the request for information. Council members discussed the Wine and Spirits fundraising event that was held by the Friends group at the Baird Homestead. Council members explained that they would have liked to show their support at this event but the date conflicted with an Open Space meeting. Council members asked Ms. Butch why the Open Space Council wasn't notified of the fundraiser. Ms. Butch state that she is not in charge of fundraising for the Friends group but that the event was well advertised.

At 9:59 pm a Motion was made by Mr. Denardo with a Second offered by Mr. Kuczinski and by unanimous vote the Council moved to executive session.

At 10:20 pm the Council returned to regular session. Having no further business to discuss, a Motion to adjourn was made by Ms. Schloss with a Second offered by Mr. Kuczinski and by unanimous vote the meeting adjourned at 10:20 pm.

Respectfully submitted,

Lorraine Maher
Council Secretary